IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO: 16498 of 2004

Between:

M. Rangaiah S/o. Vengappa
R/o. Kondupalli Village, Peddavadugur Mandal,
Anantapur District.

..... PETITIONER

AND

1 The Collector (Civil Supplies), Anantapur, Ananthapur District.
2 The Revenue Divisional Officer, Ananthapur, Ananthapur District.
3 The Mandal Revenue Officer, Peddavadugur Mandal, Ananthapur

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ of Mandamus or any other appropriate Writ Order or Orders, Direction or Directions declaring the action of the 1st respondent in dismissing the Stay Petition of the Petitioner pending the Appeal without hearing by order dt.11.9.2004, as illegal, arbitrary and unconstitutional and to issue a consequential direction to the Respondents to continue the petitioner as an Fair Price Shop Dealer of Kondupalli Village pending the finalization of the proceedings before the 2nd respondent.

Counsel for the Petitioner: MR.V.SRINIVAS

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following:

HONOURABLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.16498 OF 2004

ORDER:

The petitioner is the authorized dealer in respect of the Fair Price Shop of Kondupalli village, Peddavadugur Mandal, Anantapur District. His authorization has been suspended by the Revenue Divisional Officer by an order dated 20-08-2004, pending enquiry into the alleged irregularities in distribution of the commodities. Aggrieved by the same, the petitioner preferred an appeal before the Joint Collector. The Joint Collector having entertained the said appeal, by an order dated 11-09-2004, rejected the application for stay and posted the main appeal itself for hearing on 16-09-2004. The said order is under challenge in this writ petition.

2. I have heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

3. The learned counsel for the petitioner vehemently contended that all the allegations made against the petitioner being trivial in nature, the suspension of the authorization is not warranted. The learned counsel further contended that the impugned order is unsustainable since the first respondent failed to take into consideration the relevant factors and mechanically dismissed the application for stay.

4. Since the statutory appeal is pending before the 1st respondent, I am not inclined to express any opinion as to the nature of the allegations made against the petitioner or whether there is any material to substantiate the said allegations. It is a matter to be decided by the 1st respondent in the main Appeal. The impugned order being an order passed on the interim application for stay, does not warrant interference in exercise of jurisdiction under Article 226 of the Constitution of India.

5. In the circumstances, without expressing any opinion on merits of the

case, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to dispose of the appeal pending on his file as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order.

6. The Writ Petition is accordingly disposed of. No costs.

G.ROHINI, J

15th September, 2004

SKM

Note:

Furnish C.C.

within two days.

B/o.

skm

To

1 The Collector (Civil Supplies), Anantapur, Ananthapur District.
2 The Revenue Divisional Officer, Ananthapur, Ananthapur District.
3 The Mandal Revenue Officer, Peddavadugur Mandal, Ananthapur

District.

4 Two C.Cs. to G.P. for Civil Supplies,

High Court Buildings,

High Court of A.P., Hyderabad, (OUT)

5 Two C.D.copies.